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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,478	12/10/2001	Michael Z. Yuan	A8237	5630
7590	02/11/2004		EXAMINER	
SUGHRUE MION, PLLC 2100 Pennsylvania Avenue, NW Washington, DC 20037-3213			LAMB, BRENDA A	
			ART UNIT	PAPER NUMBER
			1734	10

DATE MAILED: 02/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	10008,478	Applicant(s)	Yuan
Examiner	LAMB	Group Art Unit	1734

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

Responsive to communication(s) filed on Paper #8 filed 7/22/03 and Paper #9 filed 10/4/03

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

Claim(s) 1-11 and 22-38 is/are pending in the application.

Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1,2,5-7,9, 22-32 and 34-38 is/are rejected.

Claim(s) 3,4,8,10,11 and 33 is/are objected to.

Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

### Application Papers

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

All  Some\*  None of the:

Certified copies of the priority documents have been received.

Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

Copies of the certified copies of the priority documents have been received  
in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

### Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s). 8 filed 7/22/03  Interview Summary, PTO-413

Notice of Reference(s) Cited, PTO-892  Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948  Other \_\_\_\_\_

## Office Action Summary

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 22-23 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 2,153,708.

GB '708 teaches the design of an apparatus comprised of a coating unit having a sizing die with an orifice through which the elongated member is conveyed. GB '708 teaches the size die includes a flexible applicator made of silicone rubber, a known elastomer which has resilient properties thereby reading on a resilient member. GB '708 teaches the orifice of the coating unit is adjustable. With respect to claims 22-23, GB '708 is capable of coating an optical fiber or conductive member.

Claims 7, 9, 28-29, 32 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2,153,708.

GB '708 is applied for the reasons noted above. GB '708 teaches at page 2 lines 36-67 and page 31 lines 42-49 the variable thickness coating applicator includes a coated fiber diameter measuring device having means for determining coating diameter of the optical fiber. GB '708 also teaches a control circuit or controller for automatic

adjustment of the diameters of the orifice via drive means for automatic adjustment of nut 23. GB '708 teaches feedback of the measured thickness of coating on diameter of coating from the coated fiber measuring device. Therefore, if one desires to manufacture of a fiber having uniform layer of variable thickness, it would have been obvious to modify the GB '708 coating apparatus by feeding back the measured coating diameter from the coated fiber diameter measuring device to GB '708 control circuit or controller for automatically adjustment via drive means for nut 23 and ring 20 controlling the diameter of the orifice in response to measured diameter for the obvious advantage of automatic control of the internal diameter of cylindrical outlet portion 19 of the flexible applicator, which determines thickness of coating on the fiber. Thus claims 7, 28-29, 32 and 34-35 are obvious over GB '708. With respect to claim 9, GB '708 is capable of coating a substrate within scope of the claim.

Claims 1-2, 5, 6, 22-24 and 36-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Britton et al

Britton et al teaches the design of an apparatus comprised of a coating unit having a sizing die with an orifice through which the elongated member is conveyed. GB '708 teaches the size die includes a resilient member 38 which appears as a helical compression spring that defines the orifice. Britton et al teaches the orifice of the coating unit is adjustable. Thus every element of claims 1-2 and 36-37 is taught by Britton et al. With respect to claims 5-6 and 22-23, Britton et al apparatus is capable of coating an optical fiber or conductive member. With respect to claim 24, Britton et al shows a tensioning member 36 for adjusting the tension of the resilient member.

Claims 1, 22-31, 34-36 and 38 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a sizing die which includes a helical spring or helical resilient member, does not reasonably provide enablement for a size die which includes a resilient member. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention commensurate in scope with these claims. The originally filed specification is not enabling for a sizing die which includes a resilient member since the term "resilient member" is broad enough to read on an resilient tubular material with a continuous wall whereby the diameter of the orifice is determined by pressure applied to the outer wall of the tubular material by a nut such as GB '708 or broad enough to read on resilient Inflatable tubular material with a continuous wall whereby the diameter of the orifice is determined by the degree of inflation of the resilient inflatable tubular material.

Claim 27 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 27 depends on itself.

Applicant's arguments with respect to all the claims have been considered but are moot in view of the new ground(s) of rejection.

Claims 3, 4, 8, 10, 11 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication should be directed to Brenda Lamb at telephone number 571-272-1231. The examiner can normally be reached on Monday through Tuesday and Thursday through Friday with alternate Wednesdays off.

B. Lamb/af

*Brenda A. Lamb*  
BRENDA A. LAMB  
PRIMARY EXAMINER

February 2, 2004